
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO ESTABLISH
LEGISLATIVE TERM LIMITS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The decision of the United States Supreme Court
2 in *Buckley v. Valeo*, 424 U.S. 1 (1976), by disallowing certain
3 campaign spending limits, substantially impaired the ability of
4 non-incumbents to challenge elected officials. It is
5 instructive to compare the election of 1974, the only state
6 election with mandatory spending limits, with the 1990 election.
7 In 1974, 22 new members were elected to the house of
8 representatives (43 per cent) and eight new members were elected
9 to the senate (32 per cent). As this election was held under
10 the 1973 reapportionment plan, some of the turnover may be
11 attributable to changes in district boundaries. However, there
12 can be no doubt that this was an extraordinarily fruitful
13 election that brought new blood into the legislature. Among the
14 22 new faces in the house of representatives that year were a
15 former governor and the congressman from the first congressional
16 district.



1 In contrast, the 1990 elections saw the election of only
2 one new senator, who had prior election experience and replaced
3 a senator who did not seek reelection. Eleven incumbent
4 senators ran in 1990; all were reelected. Of the ten incumbent
5 candidates from the majority party, five faced no opposition in
6 the primary or general election (but still spent between \$17,328
7 and \$41,632) and three others faced no general election
8 opposition. This includes one race that was technically
9 contested, but the opponent made no expenditure beyond the
10 filing fee of \$25.

11 Challengers scarcely fared better in the 51-member house of
12 representatives in 1990. Seventeen incumbents were elected,
13 without opposition, by merely filing their nomination papers,
14 although they still spent an average of almost \$30,000 per
15 candidate. Thirteen more incumbents faced only token
16 opposition. Of 49 incumbents running, only four were defeated.
17 Ninety-two per cent of the incumbents successfully retained
18 their seats.

19 The high costs and low chance of success for non-incumbent
20 legislative candidates have reduced the number of seriously
21 contested races. This, in turn, has increased voter apathy and



1 perpetuated a cycle that undermines the entire foundation and
2 process of a representative democracy.

3 The purpose of this Act is to propose an amendment to
4 article III, section 4, of the Hawaii Constitution, to limit the
5 terms of members of the legislature to a maximum of 20 years in
6 each the house of representatives and the senate.

7 SECTION 2. Article III, section 4, of the Hawaii
8 Constitution is amended to read as follows:

9 "ELECTION OF MEMBERS; TERM

10 Section 4. Each member of the legislature shall be elected
11 at an election. If more than one candidate has been nominated
12 for election to a seat in the legislature, the member occupying
13 that seat shall be elected at a general election. If a
14 candidate nominated for a seat at a primary election is
15 unopposed for that seat at the general election, the candidate
16 shall be deemed elected at the primary election. The term of
17 office of a member of the house of representatives shall be two
18 years and the term of office of a member of the senate shall be
19 four years[-]; provided that, beginning with terms commencing on
20 the day of the general election of 2010, no member of the
21 legislature shall serve for more than twenty-years in the house
22 of representatives and twenty-years in the senate; provided



1 further that a member of the legislature may fulfill a term if
2 the member reaches the twenty-year limit in the house of
3 representatives or in the senate before a current term has
4 ended.

5 The term of a member of the legislature shall begin on the
6 day of the general election at which elected or if elected at a
7 primary election, on the day of the general election immediately
8 following the primary election at which elected. For a member
9 of the house of representatives, the terms shall end on the day
10 of the general election immediately following the day the
11 member's term commences. For a member of the senate, the term
12 shall end on the day of the second general election immediately
13 following the day the member's term commences."

14 SECTION 3. The question to be printed on the ballot shall
15 be as follows:

16 "Shall state senators and state representatives be limited
17 to serving a maximum of twenty-years in the house of
18 representatives and twenty-years in the senate beginning
19 with terms commencing on the day of the general election of
20 2010?"

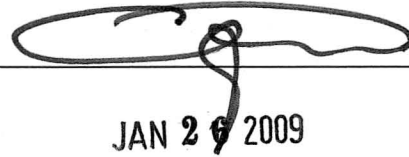


1 SECTION 4. Constitutional material to be repealed is
2 bracketed and stricken. New constitutional material is
3 underscored.

4 SECTION 5. This amendment shall take effect upon
5 compliance with article XVII, section 3, of the Hawaii
6 Constitution.

7

INTRODUCED BY:



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JAN 26 2009



Report Title:

Legislative Term Limits; Constitutional Amendment

Description:

Limits the terms of members of the Legislature to a maximum of 40 years, with a maximum of 20 years in each the house of representatives and the senate, beginning on the day of the General Election of 2010.

